

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

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|------------------------|---|--------------------|
| JOSEPH P. CHIARELLA, | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | C.A. No. 18-409WES |
| | : | |
| STATE OF RHODE ISLAND, | : | |
| Defendant. | : | |

REPORT AND RECOMMENDATION

PATRICIA A. SULLIVAN, United States Magistrate Judge.

On August 28, 2018, the Court ordered Plaintiff to pay the filing fee in this case by September 25, 2018, because he had not responded to a July 27, 2018, Order to submit a certified copy of his prisoner trust fund account statement in connection with his Application to Proceed without Prepayment of Fees and Affidavit. ECF No. 4. On October 2, 2018, Plaintiff filed a letter notifying the Court that he has been released from prison and providing his new address. ECF No. 6. That letter prompted the Court to issue an order on October 5, 2018, vacating the two previous orders (ECF Nos. 3 & 4) and advising Plaintiff that if he wishes to proceed with this matter in the District of Rhode Island, he must file a new Application to Proceed without Prepayment of Fees and Affidavit or pay the filing fee within thirty days of that Order. ECF No. 7. That order also advised Plaintiff that if he prefers to terminate this case, he may file a notice of voluntary dismissal. I warned Plaintiff that I would recommend that this case be dismissed without prejudice if he did not file a new Application or pay the filing fee within the time allotted. As of today's date, nothing has been filed. Accordingly, I recommend that this matter be dismissed without prejudice.

Any objection to this report and recommendation must be specific and must be served and filed with the Clerk of the Court within fourteen (14) days after its service on the objecting

party. See Fed. R. Civ. P. 72(b)(2); DRI LR Cv 72(d). Failure to file specific objections in a timely manner constitutes waiver of the right to review by the district judge and the right to appeal the Court's decision. See United States v. Lugo Guerrero, 524 F.3d 5, 14 (1st Cir. 2008); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1st Cir. 1980).

/s/ Patricia A. Sullivan

PATRICIA A. SULLIVAN
United States Magistrate Judge
November 15, 2018